

REMARKS/ARGUMENTS

This is in full and timely response to the Office Action dated October 20, 2004.

Reconsideration of the rejections are respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendment, claims 2, 3, 12, 13 and 19 have been canceled, and claims 1, 4, 5, 7 to 11, 14 to 18 and 20 have been amended. Claims 1, 4 to 11, 14 to 18 and 20 remain pending in this application.

On page 4 of the Office Action, claims 15 and 20 were indicated by the Examiner as containing allowable subject matter. The Applicant notes that claim 9 recites the same subject matter and should have been indicated as allowable along with claims 15 and 20. Claim 15 has been rewritten into independent form to place it in condition for allowance. Claims 9 and 20 continue to depend upon claims 1 and 18, respectively, but have been revised to delete certain limitations which were incorporated into their respective base claims 1 and 18 by this amendment.

The following remarks/arguments will address: (1) the Examiner's rejection of claim 1 under 35 U.S.C. §102(b) based on Wallin or Johnson; (2) the Examiner's rejection of claims 1 and 18 under 35 U.S.C. §102(b) based on Poole; and (3) the Examiner's rejection of claims 2 to 14 and 16 to 19 under 35 U.S.C. §103(a) based on Poole in view of Reynolds.

Rejection of Claim 1 Under 35 U.S.C. §102(b) Based on Wallin or Johnson

Claim 1 stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Wallin

(U.S. Patent No. 3,077,693) or Johnson (U.S. Patent No. 4,800,667). To the extent that this rejection might still be applied to claim 1 as amended, it is respectfully traversed for the following reasons.

Wallin discloses a lighted fish dip net having a flashlight built into the end of the tubular handle of the net. The Wallin device is a net with a built-in light, not a device for attaching a flashlight onto an existing fish landing net. The Wallin device would be much more complex, higher cost, and less versatile than the flashlight and fishing net combination of the Applicant's invention.

Johnson discloses an illuminated fishing net comprised of an illuminating means including a light, batteries and a switch disposed inside of a handle. As with Wallin, the Johnson device is a net having an integral light, not a device for attaching a flashlight to an existing fish landing net. The Johnson device would be much more complex, higher cost, and less versatile than the flashlight and fishing net combination of the Applicant's invention.

Claim 1 has been amended to recite additional details of the Applicant's invention to further distinguish over the teachings of Wallin and Johnson. For example, claim 1 recites a flashlight holder having a resilient clamp assembly that clamps over the tubular handle of the fishing net. Wallin and Johnson clearly do not disclose this feature of the Applicant's invention.

Accordingly, it is respectfully submitted that the invention recited in claim 1 is not anticipated by Wallin or Johnson. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection of Claims 1 and 18 Under 35 U.S.C. §102(b)

Claims 1 and 18 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Poole (U.S. Patent No. 3,364,610). To the extent that this rejection might still be applied to the claims as amended, it is respectfully traversed for the following reasons.

Poole discloses a fishing light 10 that can be attached to a fishing pole 60, as shown in Fig. 1, or to a small dip net 82 having a resilient wire handle 81, as shown in Fig. 4. In rejecting claims 1 and 18, the Examiner refers to the Fig. 4 embodiment of Poole, which shows the fishing light 10 attached to a dip net 82. The light 10 has mounting elements 80 on opposite sides thereof with recesses formed in the outer ends of each of the mounting elements 80. The wire handle members 81 are received in the recesses of the mounting elements 80 on each side of the light 10 so that the light 10 is held in place by the resilience of the wire handle members 81.

The fishing light of Poole is used with a small dip net (also called a minnow net), which is typically used to dip minnows out of a bucket. Such minnow nets have a resilient wire handle formed by bending a resilient wire into a configuration as shown in Fig. 4, rather than a single tubular handle as in the Applicant's invention. The system used to attach the light 10 to the minnow net in the Fig. 4 embodiment of Poole would not have been useful for attaching a flashlight to a fishing net having a single tubular handle. The Fig. 4 embodiment of Poole requires that the light 10 be engaged on opposite sides by resilient wire handle members, which would not be possible with a conventional fish landing net having a single tubular handle.

The fishing light of Poole is not attached to a fishing net in the same manner as the flashlight in the Applicant's amended claims. For example, Poole does not disclose a resilient

clamp assembly, as recited in the Applicant's amended claims 1 and 18. More specifically, the mounting elements 80 of Poole cannot be read as a resilient clamp assembly having opposing side sections that are resiliently urged toward each other, as recited in the Applicant's amended claim 1. Similarly, the mounting elements 80 of Poole cannot be read as a resilient clamp assembly formed of flexible plastic with a generally tubular sleeve and opening along one side that allows the tubular structure to expand and snap over the tubular handle of the fishing net, as recited in the Applicant's amended claim 18.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 18 under 35 U.S.C. §102(b) based on Poole are respectfully requested.

Rejection of Claims 2 to 14 and 16 to 19 Under 35 U.S.C. §103(a)

Claims 2 to 14 and 16 to 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Poole (U.S. Patent No. 3,364,610) in view of Reynolds (U.S. Patent No. 1,268,622). The Examiner contends that the Fig. 1 embodiment of Poole discloses the claimed invention, except for the second resilient clamp assembly. The Examiner relies upon Reynolds for a teaching of this feature. To the extent that this rejection might still be applied to the claims as amended, it is respectfully traversed for the following reasons.

As explained above, claims 2, 3, 12, 13 and 19 have been canceled by this amendment, and the subject matter of these claims has been added to independent claims 1, 10 and 18, respectively. Thus, the remarks below will be directed to reasons why this rejection should not

be applied to independent claims 1, 10 and 18 and the claims that depend therefrom.

In the Fig. 1 embodiment of Poole, Poole discloses a fishing light 10 attached to a fishing pole 60. The attachment system includes elements 61 and 62 protruding from the light 10, which are secured to the fishing pole 60 using C-shaped clamps 65. Poole does not disclose attaching the fishing light 10 to a fishing net having a single tubular handle, nor does Poole disclose a resilient clamp assembly for attaching a flashlight to a tubular handle of a fishing net in the manner claimed by the Applicant.

It would not have been obvious to modify Poole based on the teachings of Reynolds to arrive at the Applicant's claimed invention. Reynolds discloses a search light holder for attaching a flashlight to an arm A of the user. The holder includes a first clamp 10 and a second clamp 11. The first clamp 10 is made from a metal strip and curved and adapted to be sprung onto an arm A of the user. The second clamp 11 has a similar shape but smaller size for resiliently holding a flashlight B. Reynolds does not teach or suggest using the holder to attach a flashlight to anything other than an arm A of the user. Certainly, Reynolds does not teach or suggest using the holder to attach a flashlight to a tubular fishing net handle.

The Examiner contends that it would have been obvious to modify the flashlight support of Poole by utilizing the light holder of Reynolds to make it "easier to attach and detach the flashlight from the support." The Applicant respectfully disagrees. The Fig. 1 embodiment of Poole, which was cited by the Examiner in making this rejection, is attached to a fishing pole 60 and not a fishing net having a tubular handle. The Examiner's proposed modification of Poole to include the resilient clamp 10 of Reynolds might make the light 10 of Poole mountable to an arm

of the user, but would not result in the Applicant's claimed combination of a fishing net and removable flashlight mounted on a tubular handle of the fishing net. Moreover, there would have been no motivation to replace the mounting elements 61, 62 of Poole with the resilient clamp 10 of Reynolds (which pivots from side-to-side and is sized and shaped for attaching to a user's forearm) because this would interfere with the operation of the light 10 as a signalling device on the fishing pole 60. It should be noted that in Fig. 1 of Poole, the light 10 is used as a signalling device triggered by an increased tension of the fishing line 66.

It is respectfully submitted that the combined teachings of Poole and Reynolds fail to teach or suggest the claimed combination of a fishing net and a flashlight holder, wherein the flashlight holder has a resilient clamp assembly that clamps over a single tubular handle of a fishing net, as recited in the Applicant's claims 1 and 18. The combined teachings of Poole and Reynolds also fail to teach or suggest such a combination wherein the resilient clamp assembly has a pair of opposing side sections having arcuate inner surfaces that accommodate an outer surface of a tubular handle of a fishing net, as recited in Applicant's claims 1 and 10. As explained above, the arcuate inner surfaces of the side sections of the clamp 10 of Reynolds are neither sized nor shaped for a tubular handle of a fishing net, which would typically be substantially smaller than a user's forearm. The combined teachings of Poole and Reynolds also fail to teach or suggest a resilient clamp assembly formed of flexible plastic and comprising a generally tubular sleeve, as recited in Applicant's claim 18.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) based on Poole in view of Reynolds are respectfully requested.


Conclusion

For at least the foregoing reasons, it is respectfully submitted that all of the pending claims in this application are now in condition for allowance. Early issuance of a Notice of Allowance for this application is respectfully requested.

If the Examiner has any comments or suggestions that could place this application into even better form, the Examiner is encouraged to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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